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SUPREME COURT, U.S.

No. 98-47

In The

Supreme Court of the United States

October Term, 1997

WILLIAM DOYLE WOOD,

Petitioner,

v.

CITY COUNCIL OF MANASSAS, VIRGINIA,

and

THE BOARD OF SUPERVISORS OF PRINCE WILLIAM COUNTY,

and

MANASSAS REGIONAL AIRPORT ADMINISTRATION BOARD

On Petition For Writ Of Certiorari To The Supreme Court Of Virginia

BRIEF REPLY TO BRIEFS IN OPPOSITION

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APPLICABLE STATUTES

§ 18.2-499. Combinations to injure others in their reputation, trade, business or profession; rights of employees. – A. Any two or more persons who combine, associate, agree, mutually undertake or concert together for the purpose of (i) willfully and maliciously injuring another in his reputation, trade, business or profession by any means whatever or (ii) willfully and maliciously compelling another to do or perform any act against his will, or preventing or hindering another from doing or performing any lawful act, shall be jointly and severally guilty of a Class I misdemeanor. Such punishment shall be in addition to any civil relief recoverable under § 18.2 – 500. B. Any person who attempts to procure the participation, cooperation, agreement or other assistance of any one or more persons to enter into any combination, association, agreement, mutual understanding or concert prohibited in subsection A of this section shall be guilty of a violation of this section and subject to the same penalties set out in subsection A. C. This section shall not affect the right of employees lawfully to organize and bargain concerning wages and conditions of employment, and take other steps to protect their rights as provided under state and federal laws. (Code 1950, § 18.1 – 74.1.1; 1964, c. 623; 1972, c. 469; 1975, cc. 14, 15; 1994, c. 534.)

§ 18.2-500. Same; civil relief; damages and counsel fees; injunctions. (a) Any person who shall be injured in his reputation, trade, business or profession by reason of a violation of § 18.2-499, may sue therefor and recover three-fold the damages by him sustained, and the costs of suit, including a reasonable fee to plaintiff's counsel; and without limiting the generality of the term, "damages"

shall include loss of profits. Such counsel shall in no case receive any other, further or additional compensation except that allowed by the court and any contract to the contrary shall be null and void. (b) Whenever a person shall duly file a bill in chancery in the circuit court of any county or city against any person alleging violations of the provisions of § 18.2-499 and praying that such party defendant be restrained and enjoined from continuing the acts complained of, such court shall have jurisdiction to hear and determine the issues involved, to issue injunctions pendente lite and permanent injunctions and to decree damages and costs of suit, including reasonable counsel fees to complainants' and defendants' counsel. (Code 1950, § 18.1-74.1:2; 1964, c. 623; 1975, cc. 14, 15.)

STATEMENT OF THE CASE

The brief in opposition of the County misrepresents the facts alleged by the petitioner, William Doyle Wood, in three respects. The brief states first that William Doyle Wood did not allege low level overflights. While the original pleading did not use these specific words it did allege in paragraph 64 an increased number of airplanes using the airport and an increased level of noise. This would obviously constitute low level flights. Also alleged was the introduction of helicopter traffic which again obviously constitutes low level overflights.

The brief further alleges that the petition did not allege a conspiracy. Paragraph 22 alleges that the acts violated Section 18.2-499 and 18.2-500 of the Code of

Virginia which prohibit a conspiracy to harm a person in his trade or profession.

Lastly the County denies William Doyle Wood alleged a "physical invasion." Both paragraphs 59e and 94e contain the specific words "physical invasion."

The County has thus grossly misrepresented the petitioner's pleading in order to deny the petitioner a hearing on the merits and effect its unlawful taking of his property. This is in line with its position that the acts were only preliminary activities. If so, William Doyle Wood, was not allowed a hearing on whether they constituted a taking.

As to the brief by the City there was no evidence William Doyle Wood was unable to make mortgage payments but that the property was rendered useless and ultimately foreclosed upon and sold.

ARGUMENT

The County and City have continued to misrepresent the petitioner's case in this Court as they have throughout these proceedings in order to deny him both his property rights and even a day in court.

If the County wished this matter treated as a claim or account they could have done so when suit was filed to eliminate the necessity of a court proceeding.

However, all defendants have portrayed these activities as anything but an unlawful taking to deny William

Doyle Wood his constitutional rights to be compensated and even to a hearing on the matter.

Respectfully submitted,

WILLIAM DOYLE WOOD
By Counsel

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